

TAYLOR  
DUANE  
BARTON &  
GILMAN LLP

WRITER'S E-MAIL ADDRESS:  
[eshoulkin@tdbgllp.com](mailto:eshoulkin@tdbgllp.com)

July 21, 2005

**BY HAND DELIVERY**

Civil Clerk's Office  
United States District Court  
District of Massachusetts  
1 Court House Way  
Boston, MA 02210

Re: Holly Zupofska v. Wyndham International, Inc.  
United States District Court, C.A. No.: 05-11532 RWZ

Dear Sir/Madam:

Pursuant to Local Rule 81.1, we are enclosing for filing in the above matter certified copies of all records and docket entries in the Suffolk Superior Court. This case was removed to the United States District Court on July 20, 2005.

Very truly yours,



Edward D. Shoulkin

EDS/jcm  
Enclosures

cc: William E. Gately, Jr., Esq.

Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURT  
Case Summary  
Civil Docket

07/21/2005  
10:16 AM

**SUCV2005-01302**  
**Zupofska v Wyndham International Inc**

<b>File Date</b>	04/04/2005	<b>Status</b>	Disposed: transfered to other court (dtrans)	
<b>Status Date</b>	07/20/2005	<b>Session</b>	E - Civil E, 3 Pemberton Square, Boston	
<b>Origin</b>	1	<b>Case Type</b>	A99 - Misc contract	
<b>Lead Case</b>		<b>Track</b>	F	
<b>Service</b>	07/03/2005	<b>Answer</b>	09/01/2005	<b>Rule12/19/20</b> 09/01/2005
<b>Rule 15</b>	09/01/2005	<b>Discovery</b>	01/29/2006	<b>Rule 56</b> 02/28/2006
<b>Final PTC</b>	03/30/2006	<b>Disposition</b>	05/29/2006	<b>Jury Trial</b> Yes

**PARTIES**

**Plaintiff**

Holly Zupofska  
Active 04/04/2005

**Private Counsel 549132**

William E Gately Jr  
400 Washington Street, Suite 201  
PO Box 850920  
Braintree, MA 02185  
Phone: 781-848-1200  
Fax: 781-848-1383  
Active 04/04/2005 Notify

**Defendant**

Wyndham International Inc  
Service pending 04/04/2005

**Private Counsel 555483**

Edward D Shoulkin  
Taylor Duane Barton & Gilman  
160 Federal Street  
5th Floor  
Boston, MA 02110  
Phone: 617-654-8200  
Fax: 617-482-5350  
Active 07/20/2005 Notify

**Private Counsel 648629**

Eric M Chodkowski  
Taylor Duane Barton & Gilman  
160 Federal Street  
5th Floor  
Boston, MA 02110  
Phone: 617-654-8208  
Fax: 617-482-5350  
Active 07/20/2005 Notify

I HEREBY ATTEST AND CERTIFY ON  
JULY 21, 2005, THAT THE

FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY: 

ASSISTANT CLERK

**ENTRIES**

Date	Paper	Text
04/04/2005	1.0	Complaint & jury demand on complaint
04/04/2005		Origin 1, Type A99, Track F.
04/04/2005	2.0	Civil action cover sheet filed
07/20/2005		Certified copy of petition for removal to U. S. Dist. Court of Deft. Wyndham International, Inc., U. S. Dist.#(05-11532RWZ).
07/20/2005		Case REMOVED this date to US District Court of Massachusetts

**EVENTS**

PLAINTIFF(S)  Holly Zupofska	DEFENDANT(S)  Wyndham International nc.
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE William E. Gately, Jr. - Attorney at Law 400 Washington Street, Suite 201, Braintree, MA 02184 - Board of Bar Overseers Number 549132	ATTORNEY (if known)

## Origin code and track designation

Place an x in one box only:

- |  |  |     |
|--|--|-----|
| <input checked="" type="checkbox"/> 1. F01 Original Complaint                        | <input type="checkbox"/> 4. F04 District Court Appeal c. 231, s. 97 & 104 (After trial)                          | (X) |
| <input type="checkbox"/> 2. F02 Removal to Sup. Ct. C. 231, s. 104<br>(Before trial) | <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/<br>Order (Mass. R. Civ. P. 60) | (X) |
| <input type="checkbox"/> 3. F03 Retransfer to Sup. Ct. C. 231, s. 102C               | <input type="checkbox"/> 6. E10 Summary Process Appeal   | (X) |

## TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
A99	(#A)	( F )	( ) Yes ( ) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

## TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:			
1. Total hospital expenses.....			\$ 450.00
2. Total Doctor expenses.....			\$ 3300.00
3. Total chiropractic expenses.....			\$ 0.00
4. Total physical therapy expenses.....			\$ 0.00
5. Total other expenses.....			\$ 1.00
		Subtotal	\$ 3,751.00
B. Documented lost wages and compensation to date.....			\$ 2,000.00
C. Documented property damages to date.....			\$ 0.00
D. Reasonable anticipated future medical and hospital expenses.....			\$ 0.00
E. Reasonable anticipated lost wages.....			\$ 0.00
F. Other documented items of damages (describe): 93A Damges caused by Defendants failure to settle claim and breach of contract.			\$ 0.00
G. Brief description of plaintiff's injury, including nature and extent of injury (describe): The Plaintiff ws sexually assualted while on cacion by a an employee of the Defendant. The Defendatnt failed to settle claim or specify reason for its denial of laibility. The Defeant breached contract with the Plaintiff..			
		TOTAL	\$ 5,751.00

## CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s): The Defeneant failed to provide a trip that the Palintiff won which was safe.

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT:

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of various methods."

Signature of Attorney of Record

DATE:

3/31/05

I HEREBY ATTEST AND CERTIFY ON

JULY 20, 2005, THAT THE

FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY:

ASSISTANT CLERK.

1

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK

SUPERIOR COURT DEPARTMENT  
C.A.

\*\*\*\*\*  
HOLLY ZUPOFSKA \*  
Plaintiff \*  
\*  
v. \*  
\*  
WYNDHAM INTERNATIONAL, \*  
INC. \*  
Defendant \*  
\*\*\*\*\*

05-1302 E

SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE  
2005 APR - 4 P 3: 09  
MICHAEL JOSEPH DONOVAN  
CLERK/MAGISTRATE

COMPLAINT AND JURY CLAIM

Now comes the Plaintiff and states the following:

**I. THE PARTIES**

1. The Plaintiff, Holly Zupofska is an individual residing in Taunton, Massachusetts at all times relevant to this complaint.
2. The Defendant Wyndham International, Inc. is a foreign corporation doing business through the Commonwealth of Massachusetts including Suffolk County.

**II. GENERAL STATMENET OF FACTS**

3. The Plaintiff Holly Zupofska at all times relevant to this complaint was an employee of National Leisure Group, Inc of Woburn Massachusetts
4. The Plaintiff was employed as a travel consultant for National Leisure Group, Inc. at all times relevant to this complaint
5. In January of 2001 while an employee of the National Leisure Group, Inc the Plaintiff sold trips on behalf of the Defendant at a travel exhibition held in Boston, Massachusetts at the Bayside Exposition Center.

6. As a part of this travel exhibition the Plaintiff was eligible and took part in a sales contest
7. The Plaintiff won the sales contest and was awarded a free trip for two at the Wyndham Sugar Bay Beach Club and Resort in St. Thomas, USVI for two.
8. As a part of this trip the Plaintiff would be viewed as a representative of her employer, National Leisure Group, Inc.
9. The Plaintiff along with a Guest (another employee of national Leisure Group, Inc. arrived at the resort on or about March 31, 2002.
10. Upon arrival at the resort and check-in the Plaintiff proceeded to the Buffet and pool area where she was greeted by the Hotel's Activities Director, Patrick Taylor
11. The Defendant's Activities Director greeted the Plaintiff and her guest and advised them that they should contact him if they needed anything.
12. During the course of the remainder of the evening the Plaintiff and Patrick Taylor discussed the many features of the resort, the changes from the previous year and other general business matters.
13. During the Course of the evening the Plaintiff and the Patrick Taylor ate and drank at the Hotel Buffet.
14. During the evening the Plaintiff was sexually assaulted by Patrick Taylor the Defendant's activities director.
15. Upon information and belief the Defendant's employee, servant and agent, Patrick Taylor had engaged in at least one earlier incident of inappropriate sexual behavior of which the Defendant was aware or should have been aware
16. Upon information and belief the Defendant's failed to discipline and/or terminate this employee, servant and agent for this previous incident of inappropriate sexual behavior.
17. During the preceding days the plaintiff reported the incident to the management of the Resort and to local law enforcement authorities.

**COUNT I.-REACH OF CONTRACT**

18. The Plaintiff re-alleges paragraphs 1 thru 20 as previously stated and further alleges
19. The Defendant entered into a contract with National Leisure Group, Inc. and its employee(s) to provide a free trip to the employee who was the top sales consultant at the travel exhibition.
20. The formation of this contract occurred within the Commonwealth of Massachusetts.
21. The trip was to be all inclusive.
22. As a part of this contract the Defendant had a duty to provide safe and reasonable accommodations to the Plaintiff as the winner of the sales contest and her guest.
23. The Defendant breached this contract by employing the person who assaulted her and allowing conditions to exist under which the Plaintiff was put in contact with this dangerous individual in his role as a representative, employee, servant and/or consultant for the Defendant.
24. As a result of this assault the Plaintiff has sustained economic loss which includes loss of income opportunities, loss of travel opportunities and a diminishment in the ability of the Plaintiff to work as a travel agent.

Wherefore the Plaintiff demands judgment against the Defendant in an amount to be determined by a Judge or Jury.

**COUNT II-UNFAIR AND DECEPTIVE BUISNESS PRACTICES**

25. The Plaintiff re-alleges paragraphs 1 thru 33 as previously stated and further alleges
26. The facts and allegations as stated above also represent a violation of Chapter 93A of the Massachusetts General Law.



27. On or about October 16, 2001 the Defendant was served with a Demand for Settlement.
28. The Defendant failed during the subsequent 30 days or at anytime since then to extend a reasonable settlement offer.
29. Wherefore the Plaintiff requests that the Court find that the Defendant has violated Chapter 93A.
30. The Plaintiff further requests that any damages awarded to her be trebled and that she be awarded attorneys fee and reasonable costs in accordance with the provisions of Chapter 93A of the Massachusetts General Law.

Wherefore the Plaintiff demands judgment against the Defendant in an amount to be determined by a Judge or Jury.

Respectfully Submitted  
The Plaintiff  
By her Attorney,

---

William E. Gately, Jr.  
BBO#: 549132  
Law Office of William E. Gately, Jr.  
400 Washington Street  
P.O. Box 850920  
Braintree, MA 02185

I HEREBY ATTEST AND CERTIFY ON  
JULY 20, 2005, THAT THE  
FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY: 

ASSISTANT CLERK

Exhibit 12

**LAW OFFICE OF DAVID GROSSACK, P.C.**

Post Office Box 90  
Hull, Massachusetts 02045  
Telephone: (781) 261-9990  
Facsimile: (781) 261-9996

October 16, 2001

Mr. Ted Teng  
Wyndham International  
1950 North Stemmons Freeway, Suite 6061  
Dallas, TX 75207

Dear Mr. Teng:

Please be advised the undersigned represents Ms. Holly Zupofska in her claim against your corporation for negligence, unfair and deceptive business practices, breach of contract and other tortious wrongdoing arising from an incident which occurred at the Wyndham Sugar Bay Beach Club and Resort in St. Thomas.

My client is employed as a travel consultant by National Leisure Group in Taunton, Massachusetts. At a recent travel show she was a winner of a contest sponsored by your company in which the prize was a vacation at the Wyndham Resort in St. Thomas.

Ms. Zupofska arrived at the resort on March 31, 2001.

The hotel's activities director, Patrick Taylor, introduced himself to my client in a representative capacity of your hotel. His pretext for meeting and speaking with my client was to explain to her the features of the hotel for promotional use in the travel business. He invited himself to join her and then spiked her drink with a date rape drug.

Ms. Zupofska was later raped and sodomized by your employee on the beach near the hotel, and she continues to suffer great emotional distress from the incident.

It is our understanding that Mr. Taylor had been disciplined for inappropriate sexual conduct in the past by your company.

The hiring, lax supervision, and maintaining on the payroll of Mr. Taylor breached a duty of care owed to patrons.



Page 2 of 2

October 16, 2001 - Ted Teng, Wyndham International

Re: Holly Zupofska

Moreover, because the conduct of your employee was an outrageous criminal act conducted in the context of a "business to business" relationship between your company and Ms. Zupofska in her capacity as a travel agent, Massachusetts Law Chapter 93A applies.

This statute makes all unfair and deceptive business practices unlawful. The hiring of a dangerous sexual predator such as Mr. Taylor, and keeping him employed after he was known as such, was surely an unfair business practice. If he had not been employed by your company, he would never have been in a position to abuse my client.

Clearly when Ms. Zupofska agreed to accept her prize and come to your hotel she had no idea of the risks involved.

As a direct and proximate cause of your company's neglect, my client has suffered a trauma which will impact her for the rest of her life.

Therefore, I am demanding as compensation for her the sum of \$2,000,000.00.

Massachusetts General Law Chapter 93A allows you thirty (30) days to respond to this claim after a diligent investigation. Failure to respond to this demand when liability and damages are clear may subject your company treble damages and responsibilities for my fee.

I would therefore expect you to reply to this demand promptly after a reasonable good faith investigation of this incident.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Grossack", with a long horizontal flourish extending to the right.

David C. Grossack

DCG/jls

**LAW OFFICE OF DAVID GROSSACK, P.C.**

Post Office Box 90  
Hull, Massachusetts 02045  
Telephone: (781) 261-9990  
Facsimile: (781) 261-9996

---

December 21, 2001

Ms. Diana Rivera-Guilbe  
Crawford  
P.O. Box 71399  
San Juan, Puerto Rico 00936-8499

Re: **HOLLY ZUPOFSKA**  
**File # 88-10646-DR**

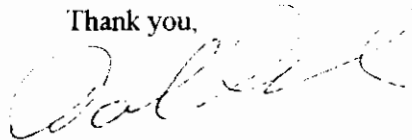
Dear Ms. Rivera-Guilbe:

This is to follow-up your letter of October 30, 2001 concerning the above referenced matter.

My office has not been contacted by your local office about this case.

I would suggest that this matter receive your company's attention as soon as possible.

Thank you,



David Grossack

DCG/jls

I hereby certify that the foregoing document is true and correct copy of the electronic docket in the captioned case. Also, I have filed original filed on \_\_\_\_\_  
☐ Original filed in my office on \_\_\_\_\_  
 Sarah A. Peterson  
 Clerk, U.S. District Court  
 District of Massachusetts

By: \_\_\_\_\_  
 Deputy Clerk

UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

*Suffolk*

*Superior Civil # 05-1302*

✓

HOLLY ZUPOFSKA,

Plaintiff,

v.

WYNDHAM INTERNATIONAL, INC.

Defendant.

C.A. No.:

**NOTICE OF REMOVAL**

**05 11532 RWZ**

TO: THE HONORABLE JUDGES OF THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

The defendant, WYNDHAM INTERNATIONAL, INC., (hereinafter referred to as "Defendant"), by and through their attorneys, Taylor, Duane, Barton & Gilman, LLP, respectfully says:

1. The petitioner is a defendant in the above-entitled action.
2. The plaintiff commenced the above-captioned action on or about April 4, 2005, by filing a Complaint in the Superior Court Department of the Trial Court, Suffolk County, Commonwealth of Massachusetts, entitled Holly Zupofska v. Wyndham International, Inc., Civil Action No. 2005-1302. This action is now pending in that Court.
3. On or about July 1, 2005, the plaintiff served copies of the Summons and Complaint upon the Defendant, Wyndham International, Inc., via Corporation Service Company, its registered agent. A copy of each of the foregoing papers, which constitute all of the processes and pleadings to date, are annexed hereto as Exhibit "A."

SUPPLEMENTAL  
 CIVIL ACTION NO. 2005-1302  
 JUL 20 P 1:02  
 MICHAEL JOSEPH DOWNEY  
 CLERK OF COURT

4. This claim or cause of action is one over which the Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one that may be removed to this Court by the Defendant pursuant to the provisions of 28 U.S.C. §1441.

5. This Court has diversity jurisdiction pursuant to 28 U.S.C. §1332, in that:

(a) Defendant Wyndham International, Inc. is a corporation organized under the laws of the State of Delaware. The Defendant's principal place of business is located at 1950 Stemmons Freeway, Dallas, Texas 75207.

(b) According to paragraph 1 of the plaintiff's Complaint, the plaintiff is an individual who resides in Taunton, Massachusetts.

(c) This civil action is an action for personal injuries in which the plaintiff is alleging, among other things, that she was caused personal injuries as a result of the failure of the Defendant to provide safe and reasonable accommodations to the plaintiff during a vacation at a resort hotel in St. Thomas. The plaintiff alleges that she was sexually assaulted while at said resort.

(d) The amount in controversy, upon information and belief, exceeds the sum or value of \$75,000, exclusive of interest or costs, and is between citizens of different states. According to her Complaint, the plaintiff, Holly Zupofska, claims that she has sustained physical and emotional injury, as well as economic loss. According to the settlement demand letter attached as Exhibit "A" to her Complaint, the plaintiff seeks damages in the amount of \$2,000,000. Therefore, this Court has diversity jurisdiction over this action pursuant to 28 U.S.C. §1332.

6. This Notice of Removal is filed within the time provided by 28 U.S.C. §1446(b) and the Federal Rules of Civil Procedure.

7. Upon the filing of this Notice of Removal, the Defendant shall give written notice thereof to William E. Gately, Jr., Esq., attorney for the plaintiff, and the Defendant shall file copies of this Notice of Removal and Notice of Filing of Removal, with the Court Clerk, Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Suffolk County, Massachusetts.

8. By filing this Notice of Removal, the Defendant does not waive any defenses that may be available to it, specifically including, but not limited to, improper service of process, misnomer of a party and the absence of venue in this Court or in the Court from which this action has been removed.

WHEREFORE, the Defendant, Wyndhman International, Inc., removes the above-captioned action now pending against them in the Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Suffolk County, Massachusetts to the United States District Court for the District of Massachusetts, wherein it shall proceed as an action originally commenced therein.

Dated: July 20, 2005

The Defendant,  
Wyndham International, Inc.,  
By its Attorneys,



Edward D. Shoulkin  
B.B.O. No.: 555483  
Eric M. Chodkowski  
B.B.O. No.: 648629  
Taylor, Duane, Barton & Gilman, LLP  
160 Federal Street, 5<sup>th</sup> Floor  
Boston, MA 02110  
(617) 654-8200

**CERTIFICATE OF SERVICE**

I, Edward D. Shoulkin, hereby certify that on July 20, 2005, I caused a copy of the Defendant's Notice of Removal to be served by overnight mail, postage prepaid to William E. Gately, Jr., 400 Washington Street, Braintree, MA 02185, attorney for the plaintiff.

I hereby further certify that on this date I caused a copy of the Defendant's Notice of Filing of Removal together with a copy of the Notice of Removal to be delivered for filing by hand delivery, to the Civil Clerk, Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Suffolk County, Massachusetts.



Edward D. Shoulkin



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2005-1302

HOLLY ZUPOFSKA,

Plaintiff,

v.

WYNDHAM INTERNATIONAL, INC.

Defendant.

**NOTICE OF FILING**  
**NOTICE OF REMOVAL**

2005 JUL 20 P 1:17  
SUFFOLK SUPERIOR COURT  
CLERK OF COURT  
JAMES J. DONOVAN  
CLERK OF COURT

Please take notice that on July 20, 2005, the defendant, WYNDHAM INTERNATIONAL, INC., filed a Notice of Removal with the United States District Court for the District of Massachusetts, removing this action to the Federal Court from the Suffolk Superior Court Department of the Trial Court, Commonwealth of Massachusetts. Pursuant to 28 U.S.C. § 1446(d), the Suffolk Superior Court shall proceed no further with this lawsuit.

The Defendant,  
Wyndham International, Inc.,  
By its Attorneys,



Edward D. Shoulkin  
B.B.O. No.: 555483  
Eric M. Chodkowski  
B.B.O. No.: 648629  
Taylor, Duane, Barton & Gilman, LLP  
160 Federal Street, 5<sup>th</sup> Floor  
Boston, MA 02110  
(617) 654-8200

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2005-1302

\_\_\_\_\_  
HOLLY ZUPOFSKA,

Plaintiff,

v.

\_\_\_\_\_  
WYNDHAM INTERNATIONAL, INC.)

Defendant.  
\_\_\_\_\_

**NOTICE OF APPEARANCE**

Please enter my appearance as attorney for the defendant, Wyndham International, Inc., in the above captioned matter.

The Defendant,  
Wyndham International, Inc.,  
By its Attorney,



Eric M. Chodkowski  
B.B.O. No.: 648629  
Taylor, Duane, Barton & Gilman, LLP  
160 Federal Street, 5<sup>th</sup> Floor  
Boston, MA 02110  
(617) 654-8200

RECEIVED  
CLERK OF COURT  
2005 JUL 20 PM 1:03  
SUFFOLK COUNTY  
MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2005-1302

\_\_\_\_\_  
HOLLY ZUPOFSKA,

Plaintiff,

v.

\_\_\_\_\_  
WYNDHAM INTERNATIONAL, INC.)

Defendant.  
\_\_\_\_\_

**NOTICE OF APPEARANCE**

Please enter my appearance as attorney for the defendant, Wyndham International, Inc., in the above captioned matter.

The Defendant,  
Wyndham International, Inc.,  
By its Attorney,



Edward D. Shoulkin  
B.B.O. No.: 555483  
Taylor, Duane, Barton & Gilman, LLP  
160 Federal Street, 5<sup>th</sup> Floor  
Boston, MA 02110  
(617) 654-8200

RECEIVED  
JUL 21 2005  
P 1:02  
SUFFOLK COUNTY  
CLERK OF COURT  
CIVIL ACTION NO. 2005-1302

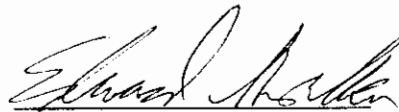
**CERTIFICATE OF SERVICE**

I, Edward D. Shoulkin, attorney for the defendant, Wyndham International, Inc., hereby certify that on July 20, 2005, I served copies of the following:

1. Notice of Appearance of Edward D. Shoulkin, Esq.;
2. Notice of Appearance of Eric M. Chodkowski, Esq.;
3. Notice of Filing Notice of Removal; and
4. Certified Copy of Notice of Removal filed with United States District Court.

by mailing said copies, overnight mail to:

William E. Gately, Jr., Esq.  
Law Office of William E. Gately, Jr.  
400 Washington Street  
P.O. Box 850920  
Braintree, MA 02185

  
Edward D. Shoulkin

2005 JUL 20 PM 1:02  
MICHAEL JOSEPH ROMERO  
CLERK OF COURT  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS